

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 11 RULES AND REGULATIONS ESTABLISHING PROCEDURES FOR THE DISPOSITION OF EQUIPMENT AND/OR NETS SEIZED BY THE MISSISSIPPI COMMISSION ON MARINE RESOURCES IN THE STATE OF MISSISSIPPI

Chapter 1 Introduction

Purpose

100 This Part establishes regulations for procedures for the disposition of equipment and/or nets seized by the Mississippi Commission on Marine Resources (MCMR).

Chapter 02 Justification and Authority

100 The MCMR is required by law to seize certain equipment or nets during the course of enforcing the provisions of § 49-15-1, *et seq.*, of the Mississippi Code Ann. of 1972, as amended.

101 The MCMR is required in § 49-15-15 (1) (k), as amended, to provide for the disposition of this equipment if the sale thereof is not directed by the justice court as provided in § 49-15-65 of the Mississippi Code Ann. of 1972, as amended.

Chapter 03 Regulations on Sale and Disposition of Seized Equipment and/or Nets

100 Prior to the sale of any equipment or nets seized pursuant to § 49-15-1, *et seq.* of the Mississippi Code Ann. of 1972, as amended, the MCMR shall review each item and determine which shall be sold and which shall be destroyed.

101 All equipment or nets seized by the law enforcement officers of the MCMR pursuant to § 49-15-1 *et seq.* of the Mississippi Code Ann. of 1972, as amended, to be sold, shall be sold at public auction for cash to the highest and best bidder. Each public auction held by the MCMR shall be advertised at least once each week for three consecutive weeks prior to the auction, the last notice to appear not more than ten days nor less than five days prior to such auction. Such advertisement shall be printed in a newspaper having general circulation in the coastal counties of the State of Mississippi.

102 The advertisements providing notice of said public auction shall contain a description of the property to be sold and a statement of the time and place of the sale. The name of the owner of said property shall be included at the discretion of the agency.

103 At the discretion of the agency, the equipment or nets to be sold may be viewed by the public prior to the auction, whereupon notice of same shall be included in the advertisements of

public auction.

104 Sales of equipment or nets seized shall be held each year, forty-five days, more or less, following the opening of shrimp season, as provided in § 49-15-15 of the Mississippi Code Ann. of 1972, as amended. Additional sales may be scheduled at the discretion of the MCMR. Proceeds from sales conducted pursuant to this Part shall be paid into the Seafood Fund of the MCMR.

105 Equipment or nets shall be destroyed only after approval has been obtained from the MCMR and the MCMR has been notified of the reasons for the destruction of said equipment or nets and the manner in which said equipment or nets are to be destroyed.

Chapter 04 Penalties

100 Any unlawful act under this Part committed by any person, firm, or corporation shall be deemed a violation of the provisions of this Part and shall constitute a misdemeanor and upon conviction, said person shall be punished in accordance with Miss. Code Ann. § 49-15-63, as amended, unless a penalty is specifically provided elsewhere in the Mississippi Code Ann. of 1972, as amended.

Chapter 05 Chapters and Subchapters Declared Separable

100 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 11 shall remain in full force and effect.

101 Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate and punished as such.

Chapter 06 Administrative Procedures Act

100 Pursuant to the amendments to the Administrative Procedures Act, § 25-43-1.101, *et seq.*, of the Mississippi Code Ann. of 1972, as amended, and the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 11.001 has been modified and the MCMR and Mississippi Department of Marine Resources have adopted the terminology and numbering system developed by the Secretary of State. Therefore, references to “ordinance” or to “Part” appearing in these regulations or the underlying statutes are used interchangeably and refer to the same instrument.

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DISPOSITION OF EQUIPMENT AND/OR NETS SEIZED BY THE MISSISSIPPI
COMMISSION ON MARINE RESOURCES IN THE STATE OF MISSISSIPPI, shall take
effect and be in force from and after the _____ day of _____, 2006

Adopted this the _____ day of _____, 2006

MISSISSIPPI COMMISSION ON MARINE RESOURCES

By: _____
Vernon Asper, Ph.D., Chairman

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

By: _____
William W. Walker, Ph.D., Executive Director